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## **Lambeth Academic Dress and the University of London**

**by Graham Zellick**

### ***Introduction***

There were several references to the University of London in Professor Noel Cox's article in Volume 5 on 'Lambeth Degree Academical Dress',<sup>1</sup> since that is the only University apart from Oxford and Cambridge to have produced an Archbishop of Canterbury. Dr Carey, who holds the London degrees of BD, MTh and PhD, became the 103rd holder of that office in 1991.

Professor Cox speculates about the University of London's 'understandable jealousy'—a strange choice of word—on missing 'the opportunity to see its own academic dress utilized when Dr Carey, a London graduate, chose Oxford for its model'.<sup>2</sup>

Readers of Professor Cox's article may be interested in the protracted exchange of correspondence with Lambeth Palace between 1996 and 1998 initiated by me first as Deputy Vice-Chancellor of the University of London and eventually as Vice-Chancellor and President. The correspondence is summarized below and largely speaks for itself, but some commentary will follow.

### ***The Correspondence***

The correspondence began in June 1996 with the following letter from me to the Archbishop:

I understand that the recipients of Lambeth degrees are wearing academic dress based on the University of Cambridge.<sup>3</sup> I had thought that the principle was that Lambeth graduates wore academic dress in the style of the Archbishop's own university, which in your case (for the first time) is the University of London.

I should appreciate clarification of the situation.

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<sup>1</sup> *Transactions of the Burgon Society*, Vol. 5 (2005), pp. 64–75.

<sup>2</sup> *Ibid.*, p. 72.

<sup>3</sup> It was, in fact, Oxford.

A prompt response was received from the Archbishop's Research Officer, pointing out that Archbishops have always associated Lambeth degrees with Oxford or Cambridge—'the only universities in existence in England at the time of the 1533 Act'—because all (until Archbishop Carey) had attended either of these universities. She went on to explain that Archbishop Carey had followed the tradition of his predecessor, an Oxford graduate, and not used the robes of the University of London 'as he cannot use the robes of a university—even his own—which was not in existence at the time of the 1533 Act'.

In reply, I questioned the assertion that it was only the robes of universities in existence at the time of the Ecclesiastic Licences Act 1533 that could be prescribed by the Archbishop and I asked for the basis of this contention. I continued:

I see nothing in the Act of 1533 which refers to the existence of any particular universities at that time, nor should there be, since we are talking about a power vested in the Archbishop which formerly reposed in the Pope. Nor do I see anything about the academic dress to be worn by the holders of Lambeth degrees. I assume that it is purely a matter of custom.

*Halsbury's Laws of England* notes: 'The recipient is entitled to wear the academic costume of the university of which the archbishop himself is a member.' *Halsbury's Statutes* says: 'It is by virtue of this [s.3] and the following section [of the Act of 1533] that the Archbishop of Canterbury is empowered to grant . . . Lambeth degrees, which entitle the holder to wear the academic dress of the Archbishop's University without making him a member of it.' If, as I suppose, the wearing of academic dress by the holders of Lambeth degrees is purely a matter of custom and practice and not of law, then the basic principle noted in *Halsbury's* ought to be preserved and Lambeth degree-holders should now wear the academic dress of the University of London.

Over a month later, the Research Officer wrote to say that the points I had raised were being considered by legal advisers. Three months later, I enquired whether the legal advisers had completed their consideration of the matter and after a further delay of three weeks the Research Officer responded, making several points:

- 'London University' had contacted Lambeth Palace by telephone following Dr Carey's appointment and advised that the University's Statutes did not permit anyone but actual holders of its degrees to wear its robes: 'I was told therefore that under no circumstances would it be appropriate for recipients of Lambeth Degrees to wear London University robes, thereby creating the perception that the recipients were getting actual "London" degrees.'

- ‘We therefore took the decision to continue the custom, followed from time immemorial, to use the robes of either Oxford or Cambridge—the only universities being in existence in England in 1533.’
- The two ancient universities accept the position and their statutes present no impediment.
- It would be difficult, five years into Dr Carey’s archbishopric, to change what had become an established custom of using the robes of Oxford University.

I made the following points in reply:

First, there is the point you make about the University of London itself (which you have not mentioned hitherto). I have consulted officers of the University and no one can understand how this telephone call came to be made. Perhaps you could inform me who made this call so that we can ascertain on what authority it might have been done. As it happens, the information as you report it, is entirely inaccurate. Neither the Statutes of the University at the time, nor the present Statutes (for whose drafting I was responsible), contain any provision on academic dress at all, let alone stipulate that it could not be worn by Lambeth graduates. The only body at the time that could have given an authoritative ruling or indeed expressed any opinion on the matter was the Senate; it would now be the Academic Committee. Either then or now, my own view is that it is inconceivable that the University would have resisted the consequence of having one of our graduates as Archbishop of Canterbury. Indeed, how could it be anything but a privilege for the University’s robes to be worn by Lambeth graduates?

In your earlier letter you said that the matter had been referred to your legal advisers and that, I believe, accounts for the substantial delay until now. However, I see little evidence of a legal analysis and nothing really adds to what you have already said and which I have questioned. You say that the ancient universities have accepted the position: I do not accept that the University of London would not also accept it if given the chance. There is certainly no impediment presented by our Statutes or any provisions made thereunder.

What have your legal advisers said about the statement in all the texts that the holders of Lambeth degrees wear the robes of the Archbishop’s own university? By what authority are Lambeth graduates at present wearing the robes of the University of Oxford?

You say that, in any case, the position could hardly be changed now five years into Archbishop Carey’s term of office. I do not agree.

I should be grateful if these points could be further considered.

The Research Officer replied by stating that my various points were being considered but an early reply was not likely since the Archbishop was preparing for

Christmas and shortly thereafter would be taking seven weeks' sabbatical leave. 'We are being asked not to bother him with issues which are not urgent.'

Three months later, the Research Officer wrote again, having consulted the Archbishop on his return. The Archbishop felt very strongly that the use of the robes of the two universities in existence at the time of the 1533 Act should be retained, since 'the link must be one of history and not related to any particular occupant of office'. There would, it was argued, be 'grave concern' if the robes of a particular university were being 'particularly advertised'. Moreover, the Archbishop would not wish his successors to have to be involved in a debate over the robes to be worn. The Research Officer concluded:

'... I confirm that the Archbishop does not wish to vary the practice of ancient custom which is widely accepted to use the robes of either Oxford and [sic] Cambridge. I am sure no future Archbishop would wish to do so either.'

I replied seven months later, having assumed office as Vice-Chancellor, in the following terms:

However strongly the Archbishop may feel on this issue, I have yet to hear from you any justification for departing from the principle that has been acknowledged by every authority on the subject, namely, that holders of Lambeth degrees wear the robes of the Archbishop's own University. You have produced no authority to confine this proposition to the two universities which were in existence in 1533.

You say there would be 'grave concern if the use of the robes of any particular university was being particularly advertised'... Robes of particular universities are being used at present. Whether or not that gives rise to grave concern, I very much doubt.

I do not understand your paragraph which says that 'this Archbishop would not wish his successors to have to be involved in a debate over the robes to be worn when they are giving their own degrees'. If Archbishop Carey were to adhere to the long-established rule, there would be no debate. Disquiet is caused now because the Archbishop is determined to disregard a principle what has been universally acknowledged.

You conclude by saying that 'this Archbishop does not wish to vary the practice of ancient custom'. But this is precisely what he is doing. The ancient custom only limited the robes to those of Oxford and Cambridge because we have not previously had an Archbishop of Canterbury who was a graduate of another university. We now have a ludicrous situation in which each Archbishop, if he is not a graduate of either Oxford or Cambridge, will have to determine which of these two Universities will be used for Lambeth graduates, even where the Archbishop has no connection with either of them.

The Archbishop's conclusion is not only insulting to his own University of London, but it derives no support from history, tradition, law or custom and I urge the Archbishop to reconsider the matter with care.

The reply, after just under two months, this time came from the Rt Rev. Frank Sargeant, Bishop at Lambeth, who made the following assertions:

- Neither the present Archbishop nor his successors would wish upon installation to become involved in a debate over the robes to be worn by Lambeth degree-holders.
- Successive Archbishops have rejected the suggestion that distinctive unique robes could be instituted for Lambeth degrees ‘as this might well have the effect of seeing [*sic*] to create the Archbishop’s own university’.
- No objections have ever been raised by Oxford or Cambridge and nothing in their statutes prevents it.
- There is no such ‘long-established rule’ but a convention or custom that the robes of one of the two English universities in existence in 1533 were to be used and ‘generally, the preference would be for the present Archbishop’s own university’. Although it was not possible to invoke the second part of the convention under Archbishop Carey, it was possible to adhere to the first part.
- The use of different robes could imply that the recipients were in fact holding degrees of a particular university which could jeopardise the Archbishop’s power to grant degrees.
- The Archbishop wished to know whether my views were shared by a majority of the Council of the University but in any event ‘the Archbishop’s decision in this matter is final’.

After a further exchange of letters, in which Bishop Sargeant expressed Dr Carey’s wholehearted support and affection for the University of London, the correspondence was closed without any convergence of views.

### **Commentary**

First, as any lawyer with trial experience will say, a witness who shifts his ground from statement to statement is vulnerable. This correspondence illustrates the point nicely. In particular, an alibi needs to be advanced fully and early. The ‘alibi’ here—the mysterious telephone call referred to in the letter of 20 November 1996—surprisingly does not emerge until the second substantive letter and then is devoid of supporting detail. Had it been averred in the first reply, it might have been a clincher. Moreover, the inevitable request for further details as to who made

the call elicited no response at all. Is it possible that no proper note was taken of the call and the file does not record to whom the office was speaking? If so, it betrays an unfortunate laxity in the administrative arrangements. Did Lambeth Palace really believe that such a message would be conveyed by telephone rather than in writing? And would not normal prudence dictate that the caller should have been asked to put the point in writing?

Dr Carey became Archbishop of Canterbury in 1991. In April of that year, Dr J. H. Pryor tabled the following question for answer at the next meeting of the University of London's Convocation (the body of the University's graduates, since abolished):

(a) It has long been the custom, when the Archbishop of Canterbury grants Lambeth degrees, for the recipient of the degree to wear the academic dress of the Archbishop's university, Oxford or Cambridge. Now that we have the first Archbishop who is a London graduate, is the custom to be followed so that the grantees of Lambeth degrees in the present Archbishop's period of office may wear the academic dress of the University of London?

(b) If so, will such graduates be eligible for membership of Convocation and/or to wear the distinctive Convocation dress?

Dr Pryor, a graduate of the University and Chairman of Convocation's Academic Dress Sub-Committee, died before the next meeting on 14 May and so the question went unanswered, but it is possible that it was he who made the telephone call referred to in the letter, purporting to speak for the University, though having no authority to do so and conveying wholly inaccurate information if the Research Officer's recollection is reliable.

The second part of Dr Pryor's question calls for comment. First, Lambeth graduates would obviously not have been eligible for membership of Convocation. As Professor Cox makes clear, the holder of a Lambeth degree does not become a member or graduate of the university whose robes he is disporting. Secondly, if Dr Carey had opted for London academic dress, the issue of what dress would have had to be confronted, because at that time what is variously called full academical dress, festal robes or doctors' scarlet was confined to members of Convocation, i.e. those graduates who had troubled to make the modest payment for lifetime membership of Convocation. This had always struck me as an odd and questionable practice and it was abandoned in my time as being offensive in principle and a crude device to promote membership of Convocation. Clearly, academic dress of the non-Convocation kind would hardly have been apt for the holders of Lambeth doctoral degrees.

Secondly, another oddity is the interval in the dialogue while the issue was referred to the legal advisers. Over four months later, when the conversation is resumed and the legal advisers have reported, the letter in November 1996 contains

no legal points at all, which is perhaps hardly surprising since the question is not in fact a legal one. The legal advisers presumably reported as such, but Lambeth Palace was by this stage so committed to obfuscation and opacity that they could not bring themselves to say so. Or maybe the lawyers too couched their advice in impenetrable language to justify the long delay and a fat fee! The invocation of the Act of 1533 as limiting the academic dress to the only two universities in existence at that time is nonsense. Distinctive academic dress for different institutions did not in any event emerge for two centuries. If there were merit in this argument, it might mean that the actual academic dress current in 1533 should be used for Lambeth degrees without modification or adjustment. That has only to be stated to be rejected.

Thirdly, the correspondence does little to conceal the impatience, irritation and defensiveness of the writers, or the Archbishop, for pressing the point. Underlying this was, I believe, an anxiety that the press might become interested in the debate if it became public and throw a searchlight on Lambeth degrees and perhaps bring their continued existence into question.

## ***Conclusions***

Academic dress in Britain is not regulated by law. The power to prescribe academic dress does not even derive from university charters. The academical dress to be worn by the holders of Lambeth degrees is also not a matter of law but merely of custom or convention. After over four centuries, however, that custom or convention is neither clear nor settled. Lambeth Palace appears to believe that it is a matter for determination by each Archbishop individually, who will choose between Oxford and Cambridge. They seem unsure, however, whether his formal power to choose is broader than that.

Without wishing to rehearse Professor Cox's full discussion, the following seem to be the possibilities and all are clearly arguable:

- Only the robes of Oxford or Cambridge may be prescribed.
- An Archbishop who is a graduate of one of these will choose that University's robes.
- An Archbishop who is a graduate of both must make a firm election between them for the duration of his archiepiscopate.
- An Archbishop who is a graduate of both may use either, making the choice at each conferral.
- An Archbishop who is a graduate of neither is free to choose one of them or both, making the choice at each conferral.



- Where an Archbishop is willing to use either Oxford or Cambridge, the choice will be influenced by whether the recipient already holds a degree from one of them.
- An Archbishop who is a graduate of neither will continue the usage adopted by his immediate predecessor.
- An Archbishop who is a graduate of neither should normally choose the academic dress of the university of which he himself is a graduate (*quaere* whether that university would be able to refuse its consent<sup>4</sup>).
- An Archbishop may prescribe unique academic dress designed specifically for Lambeth degree-holders. This is already the case in respect of the Lambeth diploma of Student in Theology (STh).
- Any future Archbishop could alter this, or indeed any decision on academic dress taken by his predecessor.
- It is not a matter for determination by the Archbishop at all, but operates automatically, with the recipient 'entitled', as *Halsbury's Laws* and *Statutes* put it (see p. 40, above), to wear the academic dress of the Archbishop's own university.

One possibility absent from this list, though canvassed by Professor Cox,<sup>5</sup> is the use of the robes of the new Lambeth graduate's own university on the curious argument that the Lambeth degree may be said to represent some kind of advancement. This possibility, in my view, is devoid of logic or sound policy and it is without precedent.

Dr Carey or his advisers clearly came to the unexceptionable conclusion on his appointment that on grounds of expediency or policy it was preferable to adhere to the centuries-old custom of conferring Lambeth degrees in the dress of Oxford or Cambridge, both of which had long acquiesced in the practice, though the basis on which a non-Oxbridge Archbishop is to select between the two is unclear: perhaps he merely makes no change from his immediate predecessor, as with Dr Carey who continued Archbishop Runcie's use of Oxford robes.

The old stated principle that Lambeth degree holders wore the academic dress of the Archbishop's own University must therefore be read on the assumption that every Archbishop would be a graduate of either Oxford or Cambridge. The principle should apparently now read that each Archbishop will prescribe the robes to be worn, choosing between those of Oxford and Cambridge because of ancient usage and because it means that the consent of another institution does not have to be sought and obtained. After all, it is even possible that there could be an Archbishop who was not a graduate of any (British) university.

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<sup>4</sup> See *ibid.*, p. 73, n. 44.

<sup>5</sup> *Ibid.*, pp. 71–72.

Despite the use of Oxbridge robes over the centuries, it is, however, difficult to see any basis on which an Archbishop could be prevented from prescribing other robes, whether of another university or designed specifically.

There is a substantive point that also arises in this connection which is not touched on in Professor Cox's article and which is arguably of greater significance. The choice of university determines not only the academic dress but also the range and nomenclature of degrees that can be awarded. There are differences between Oxford and Cambridge in this respect, as well as in how their degrees are abbreviated for post-nominal and other purposes. That is one reason why it does not seem desirable for any Archbishop to vary between the two universities as the mood takes him.

The main difference in terminology is in Law where Cambridge awards the near universal LL.D but Oxford the fairly rare (though not unique) DCL (Doctor of Civil Law). The abbreviations for other degrees also differ considerably, with both universities adopting practices which are occasionally unusual and which usually differ from each other. Thus, for Science, Cambridge has the ScD, and in Medicine, Oxford the DM (instead of the universal MD) and the two universities have diametrically opposed practices in respect of their other degrees too: thus, in Music and Letters, Oxford has the DMus and DLitt while Cambridge the MusD and LittD. Only the DD is common to both.

I understand Lambeth is about to introduce a doctorate in philosophy, a degree unknown in 1533 and for several centuries thereafter. Not only do the Oxford and Cambridge robes for this degree differ fundamentally, but Oxford styles it DPhil and Cambridge the more usual PhD. Will this, too, alternate from Archbishop to Archbishop or even from graduate to graduate?

The use of Oxbridge degree titles, terminology and academic dress is unexceptionable. Perhaps some of us in London were disappointed (though certainly not jealous) when Lord Carey eschewed our robes for Oxford's. The Archbishop's degree-awarding power is a quaint historical relic, inappropriate and incongruous but inoffensive and benign. I recently had the pleasure of observing Dr Williams' admission of Rabbi Tony Bayfield, Head of the Movement for Reform Judaism, to the degree of Doctor of Divinity—a gesture warmly appreciated in Rabbi Bayfield's community. I understand Rabbi Bayfield wore a Cambridge DD gown, in recognition of his own membership of that University. Dr Williams seems to be alternating between Oxford *and* Cambridge robes. Can that be in conformity with the convention as Lambeth understands it? Perhaps someone would like to initiate correspondence with Lambeth Palace on this point!

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